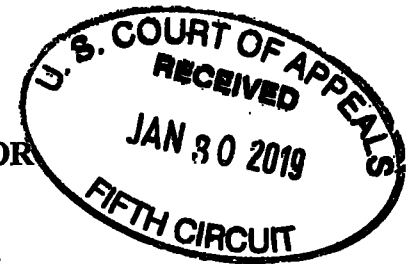


FED. R. APP. P. WITH 5TH CIR. R. & IOPs



**FORM 4 AFFIDAVIT ACCOMPANYING MOTION FOR  
PERMISSION TO APPEAL IN FORMA PAUPERIS**

United States District Court for the East District of Texas

United States of America

v.

Norman Varner

Case No. 19-40016

<p><b>Affidavit in Support of Motion</b></p> <p>I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C § 1621.)</p> <p>Signed: <u><i>Norman Varner</i></u></p>	<p><b>Instructions</b></p> <p>Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.</p> <p>Date: <u>1/23/18</u></p>
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My issues on appeal are:

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Self-employment	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Income from real property (such as rental income)	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Interest and dividends	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Gifts	\$ <u>\$800</u>	\$ <u>n/a</u>	\$ <u>\$30.00</u>	\$ <u>n/a</u>
Alimony	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Child support	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Disability (such as social security, insurance payments)	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Unemployment payments	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Public-assistance (such as welfare)	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Other (specify): <u>none</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Total monthly income:	\$ <u>\$30.00</u>	\$ <u>n/a</u>	\$ <u>\$30.00</u>	\$ <u>n/a</u>

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2. List your employment history, for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>BOP</u>	<u>FMC Lexington KY</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

3. List your spouse's employment history, for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>No Spouse</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

4. How much cash do you and your spouse have? \$ \$40.10

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>BOP</u>	<u></u>	<u>\$ \$40.10</u>	<u>\$</u>
<u></u>	<u></u>	<u>\$</u>	<u>\$</u>
<u></u>	<u></u>	<u>\$</u>	<u>\$</u>

If you are a prisoner, seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other real estate (Value)	Motor vehicle #1 (Value)
<u>n/a</u>	<u>n/a</u>	Make & year: <u>n/a</u>
<u></u>	<u></u>	Model: <u></u>
<u></u>	<u></u>	Registration # <u></u>

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Motor vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
Make & year: <u>N/A</u>	<u></u>	<u></u>
Model: <u></u>	<u></u>	<u></u>
Registration #: <u></u>	<u></u>	<u></u>

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age
<u>n/a</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<u>\$ n/a</u>	<u>\$ n/a</u>
Are real-estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	<u>\$ n/a</u>	<u>\$ n/a</u>
Home maintenance (repairs and upkeep)	<u>\$ n/a</u>	<u>\$ n/a</u>
Food	<u>\$ n/a</u>	<u>\$ n/a</u>
Clothing	<u>\$ n/a</u>	<u>\$ n/a</u>
Laundry and dry-cleaning	<u>\$ n/a</u>	<u>\$ n/a</u>
Medical and dental expenses	<u>\$ n/a</u>	<u>\$ n/a</u>
Transportation (not including motor vehicle payments)	<u>\$ n/a</u>	<u>\$ n/a</u>
Recreation, entertainment, newspapers, magazines, etc.	<u>\$ n/a</u>	<u>\$ n/a</u>

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Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>n/a</u>	\$ <u>n/a</u>
Homeowner's or renter's	\$ <u>n/a</u>	\$ <u>n/a</u>
Life	\$ <u>n/a</u>	\$ <u>n/a</u>
Health	\$ <u>n/a</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>n/a</u>	\$ <u>n/a</u>
Other: _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Taxes (not deducted from wages or included in Mortgage payments)		
(specify): <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Installment payments	\$ <u>n/a</u>	\$ <u>n/a</u>
Motor Vehicle	\$ <u>n/a</u>	\$ <u>n/a</u>
Credit card (name): <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Department store (name): <u>n/a</u>	\$ <u>n/a</u>	\$ <u>n/a</u>
Other: _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Alimony, maintenance, and support paid to others	\$ <u>n/a</u>	\$ <u>n/a</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>n/a</u>	\$ <u>n/a</u>
Other (specify): _____	\$ <u>n/a</u>	\$ <u>n/a</u>
Total monthly expenses:	\$ <u>n/a</u>	\$ <u>n/a</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you spent—or will you be spending—any money for expenses or attorney fees in connection with this lawsuit? ☐ Yes ☒ No Cannot no afford an attorney.

If yes, how much? \$ \_\_\_\_\_

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I am incarcerated in the BOP at this point in time with little  
income coming in. I am not able to pay these fees nor hire an  
attorney.

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**FED. R. APP. P. WITH 5TH CIR. R. & IOPs**

**12. State the [city and state] of your legal residence.**

Lexington KY

**Your daytime phone number:** 000 ) 000-0000

**Your age:** 38 **Your years of schooling:** 12

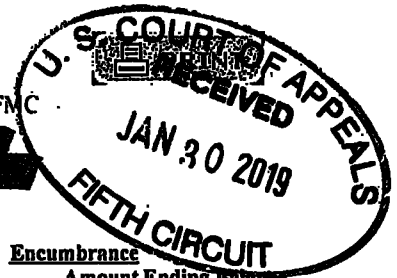
**[Last four digits of] your social-security number:** 2177

**MISC-14**

# Inmate Statement

Inmate Reg #: 18479078  
Inmate Name: VARNER, NORMAN  
Report Date: 01/22/2019  
Report Time: 2:53:53 PM

Current Institution: Lexington FMC



Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
LEX	1/21/2019 4:32:28 PM	TFN0121			Phone Withdrawal	\$0.12		\$40.10
LEX	1/20/2019 8:10:57 AM	TL0120			TRUL Withdrawal	\$1.00		\$39.98
LEX	1/18/2019 3:20:14 PM	TL0118			TRUL Withdrawal	(\$2.00)		\$38.98
LEX	1/18/2019 1:50:06 PM	TFN0118			Phone Withdrawal	(\$5.00)		\$40.98
LEX	1/18/2019 11:22:35 AM	50			Sales	(\$14.05)		\$45.98
LEX	1/18/2019 8:34:30 AM	TL012019			Pre-Release Transaction		\$30.00	—
LEX	1/18/2019 7:32:16 AM	TL012019			Pre-Release Transaction		(\$15.00)	—
LEX	1/18/2019 7:05:21 AM	33319018			Western Union	\$30.00		\$60.03
LEX	1/18/2019 7:05:21 AM	33319018			Pre-Release Transaction		(\$15.00)	—
LEX	1/17/2019 1:47:15 PM	TFN0117			Phone Withdrawal	(\$1.00)		\$30.03
LEX	1/17/2019 12:25:59 PM	TL0117			TRUL Withdrawal	\$0.85		\$31.03
LEX	1/17/2019 11:37:23 AM	TFN0117			Phone Withdrawal	\$0.16		\$30.18
LEX	1/8/2019 4:40:18 PM	TFN0108			Phone Withdrawal	(\$1.00)		\$30.02
LEX	1/8/2019 4:38:43 PM	TL0108			TRUL Withdrawal	\$0.45		\$31.02
LEX	1/3/2019 1:07:19 PM	TL0103			TRUL Withdrawal	(\$5.00)		\$30.57
LEX	1/3/2019 7:50:12 AM	59			Sales	(\$1.65)		\$35.57
LEX	1/3/2019 7:16:25 AM	TFN0103			Phone Withdrawal	\$4.24		\$37.22
LEX	12/26/2018 11:49:53 AM	78			Sales	(\$3.65)		\$32.98
LEX	12/21/2018 9:34:41 AM	TL1221			TRUL Withdrawal	(\$2.00)		\$36.63
LEX	12/21/2018 7:06:28 AM	16			Sales	(\$16.40)		\$38.63
LEX	12/20/2018 9:35:43 AM	TFN1220			Phone Withdrawal	(\$15.00)		\$55.03
LEX	12/20/2018 8:39:21 AM	TL1220			TRUL Withdrawal	(\$10.00)		\$70.03
LEX	12/20/2018 8:39:10 AM	TL122018			Pre-Release Transaction		\$25.00	—
LEX	12/20/2018 7:05:54 AM	33318354			Western Union	\$50.00		\$80.03
LEX	12/20/2018 7:05:54 AM	33318354			Pre-Release Transaction		(\$25.00)	—
LEX	12/14/2018 10:49:04 AM	TFN1214			Phone Withdrawal	(\$1.00)		\$30.03
LEX	12/14/2018 10:48:25 AM	TFN1214			Phone Withdrawal	\$0.19		\$31.03
LEX	12/13/2018 8:03:32 PM	TL1213			TRUL Withdrawal	\$0.20		\$30.84
LEX	12/13/2018 11:42:02 AM	85			Sales	(\$1.00)		\$30.64
LEX	12/11/2018 11:56:57 AM	107			Sales	(\$24.45)		\$31.64
LEX	12/7/2018 3:04:19 PM	TFN1207			Phone Withdrawal	(\$3.00)		\$56.09
LEX		45			Sales	(\$1.00)		\$59.09

1/22/2019

LEX	12/7/2018 11:31:29 AM		TRUL Withdrawal	(\$2.00)	\$60.09
LEX	12/6/2018 8:13:32 TL1206 AM		TRUL Withdrawal	\$2.00	\$62.09
LEX	12/5/2018 9:23:29 TL1205 AM		TRUL Withdrawal	(\$5.00)	\$60.09
LEX	12/4/2018 TL1204 12:22:31 PM		Sales	(\$3.00)	\$65.09
LEX	11/30/2018 110 12:36:53 PM		Sales	(\$15.60)	\$68.09
LEX	11/30/2018 109 12:36:10 PM		Phone Withdrawal	(\$10.00)	\$83.69
LEX	11/29/2018 TFN1129 6:08:17 AM		Pre-Release Transaction		\$80.03
LEX	11/29/2018 TL112018 6:05:14 AM		Transfer - In from	\$93.69	\$93.69
LEX	11/29/2018 TX112918 4:12:51 AM		TRUFACS Pre-Release Transaction		(\$80.03)
LEX	11/29/2018 4:12:51 AM				

Total Transactions: 41

Totals: \$40.10 \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
LEX	\$40.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.10
Totals:	\$40.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.10

Other Balances

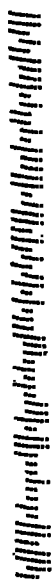
<u>National 6 Months Deposits</u>	<u>National 6 Months Withdrawals</u>	<u>National 6 Months Ave Daily Balance</u>	<u>Local Max Balance - Prev 30 Days</u>	<u>Average Balance - Prev 30 Days</u>	<u>Commissary Restriction Start Date</u>	<u>Commissary Restriction End Date</u>
\$642.50	\$606.54	\$64.45	\$60.03	\$32.70	N/A	N/A

*Finc-Lexington 1-22-19*  
*HCU*

Vanner # 18479-078  
Federal Medical Center  
P.O. Box 14580  
Lexington KY 40512

↔ 18479-078 ↔  
U.S. Court Of Appeals Fifth  
Office of the Clerk  
F. Edward Hebert Building  
600 S. Mawstir Place  
NEW Orleans, LA 70130-3408  
United States

7013033440



LEXINGTON KY 405  
25 JAN 2019 PM 2:10

Legal  
Mail





***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

February 01, 2019

Mr. David O'Toole  
Eastern District of Texas, Sherman  
101 E. Pecan Street  
Federal Building  
Room 216  
Sherman, TX 75090-0000

No. 19-40016 USA v. Norman Varner  
USDC No. 4:11-CR-14-1

Dear Mr. O'Toole,

Enclosed please find pro se's motion for leave to proceed in forma pauperis which was sent to this court. Please notify us when you have acted on the motion.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Donna L. Mendez, Deputy Clerk  
504-310-7677

cc: Ms. Amanda Louise Griffith  
Ms. Marisa J. Miller  
Mr. Norman Varner